

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Andy Michael Thompson,

Case No. 2:25-cv-01284-CDS-EJY

Plaintiff

Order Dismissing Action and Denying the  
Plaintiff's Motion to Vacate

v.

Nevada Secretary of State,

[ECF No. 37]

Defendant

On January 12, 2026, I dismissed the complaint in this action without prejudice and with leave to amend after determining that I lacked subject matter jurisdiction. *See Order*, ECF No. 35. In my dismissal order, Thompson was given leave to amend the complaint and instructed that if he elected to do so, then an amended complaint must be filed by January 26, 2026, amongst other instructions. *See id.* On the same day that I dismissed the complaint, Thompson filed an amended complaint and a motion to vacate my complaint-dismissal order. *See Am. compl.*, ECF No. 36; Mot., ECF No. 37. For the reasons set forth herein, I dismiss this action for lack of subject matter jurisdiction.

The amended complaint does not cure the deficiencies identified in the January 12, 2026 dismissal order. Although modified slightly, the amended complaint brings the same claims based on the same underlying allegations. *Compare ECF No. 1, with ECF No. 36.* Thompson was given two opportunities to demonstrate standing—first in response to the show-cause order, then in his amended complaint—but he failed to do so. *See Noll v. Carlson*, 809 F.2d 1446, 1448 (9th Cir. 1987) (holding that while court ordinarily permits a pro se plaintiff leave to amend, leave to amend should not be granted where it appears amendment would be futile). Thus, based on the same reasoning set forth in my prior dismissal order, I dismiss this action for lack of standing without prejudice and without leave to amend because amendment would be futile.

1 Further, because this court lacks standing over this action, Thompson's motion to vacate is  
2 denied.

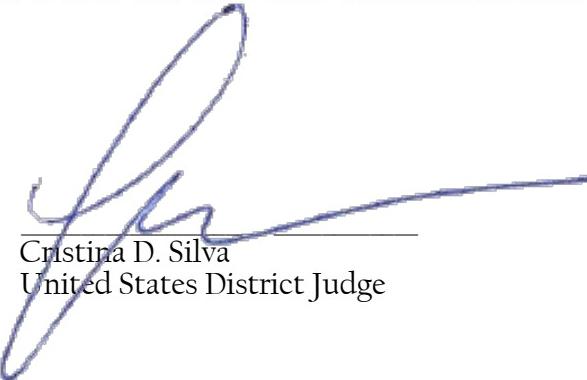
3 **Conclusion**

4 IT IS HEREBY ORDERED that this case is dismissed without prejudice and without  
5 leave to amend.

6 IT IS FURTHER ORDERED that Thompson's motion to vacate [ECF No. 37] is  
7 DENIED.

8 The Clerk of Court is kindly directed to close this case. There can be no further filings in  
9 this now-closed case.

10 Dated: February 4, 2026

11   
12 Cristina D. Silva  
13 United States District Judge

14

15

16

17

18

19

20

21

22

23

24

25

26